

## COUNTY OF PLACER Community Development Resource Agency

Michael J. Johnson, Agency Director

#### **PLANNING**

Paul Thompson
Deputy Planning Director

**HEARING DATE:** 05/17/2012

**TIME:** 9:10 A.M.

DATE:

May 4, 2012

TO:

Zoning Administrator

FROM:

Planning Department

**SUBJECT:** 

Variance to a side and rear setback to allow for the construction of a new 900

square foot detached garage - PVAAT20120094

**APPLICANT:** 

Tom Hickok on behalf of Jeff Swain

STAFF PLANNER:

Roy Schaefer, Associate Planner

**ZONING:** 

RA-B-100 (Residential Agriculture, Combining Building Site minimum of 2.3

acres)

**LOCATION:** 

6222 Del Oro Road (Lot 32 of Valley Del Oro Subdivision), Granite Bay

APN: 035-270-032

#### PROPOSAL:

The applicant is requesting a Variance to the side and rear setback requirement to allow for the construction of a new 900 square foot detached garage on Lot 32 of Valley Del Oro Subdivision. The proposed side setback is 7 feet from the east property boundary and the rear setback is 20 feet from the south property boundary, where typically a 30-foot setback is required.

#### **CEQA COMPLIANCE:**

The project is categorically exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in Land Use Limitations).

#### BACKGROUND/ANALYSIS:

Staff conducted a field review of the project site on April 30, 2012. The 0.97-acre parcel is at 6222 Del Oro Road (Lot 32 of Valley Del Oro Subdivision) in Granite Bay. The subject property is zoned RA-B-100 (Residential Agriculture, Combining Building Site minimum of 2.3 acres) and is designated Rural Residential (2.3-4.6 acre min) in the Granite Bay Community Plan.

This rectangular shaped lot is currently developed with a 2,450 sq. ft. single-family residence with a 580 sq. ft. attached garage that has a 12 foot wide driveway from the road. There are several large oak, birch and evergreen trees in the front yard as well as the septic repair area and a drainage canal that crosses the lot from the west to the east property boundary. There is also a pool in the rear yard southwest of the residence. The surrounding parcels in Valley Del Oro Subdivision are developed with single family residences and residential accessory structures.

Staff supports this Variance request to allow a 7-foot side setback and 20-foot rear setback for a new detached garage as there are special circumstances applicable to the lot that includes the fact that the best location for the proposed structure is the southeast corner of the property because of the location of the existing single-family residence and with the septic repair, drainage canal and large oak trees in the front yard area of the lot. Because of these circumstances the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

The Engineering and Surveying Department (ESD) and Environmental Health Services (EHS) support the recommendation of approval for this Variance request, and they have no recommended conditions of approval.

#### **RECOMMENDATION:**

Staff recommends **approval** of this Variance request for a new 900 square foot detached garage to be constructed with a 7-foot side setback from the east property boundary and a 20-foot rear setback from the south property boundary, based on the following findings and recommended conditions of approval.

#### **FINDINGS:**

#### CEQA FINDINGS

1. The project is categorically exempt from environmental review pursuant to provisions of Section 15305 of the California Environmental Quality Act Guidelines and Section 18.36.070 of the Placer County Environmental Review Ordinance (Class 5, Minor Alterations in Land Use Limitations).

#### **VARIANCE FINDINGS**

- 1. There are special circumstances applicable to the lot that includes the fact that the best location for the proposed structure is the southeast corner of the property because of the location of the existing single-family residence and with the septic repair, drainage canal and large oak trees in the front yard area of the lot, and because of such circumstances the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
- 2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
- 3. The Variance does not authorize a use that is not otherwise allowed in the RA-B-100 Zone District.

- 4. The granting of this Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- 5. The Variance is consistent with the *Granite Bay Community Plan* and *Placer County General Plan*.

#### **CONDITIONS OF APPROVAL:**

- 1. Approval of this Variance (PVAAT20120094) allows for the construction of a new 900 sq. ft. detached garage with a 7-foot side setback from the east property boundary and a 20-foot rear setback from the south property boundary, where typically a 30-foot setback is required.
- 2. The applicant shall satisfy any conditions set forth by the California Department of Forestry or the serving South Placer Fire Protection District.
- 3. The applicant shall obtain a Building Permit that includes the new single-family residence and the ground mounted photovoltaic system from the Placer County Building Department.
- 4. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the PVAA20120094, Jeff Swain Variance to a side and rear setback requirement to allow for the construction of a 900 square foot detached garage. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.
- 5. This Variance (PVAAT20120094) shall expire on May 28, 2014 unless previously exercised.

#### **ATTACHMENTS:**

- A. Memo from Department of Engineering and Surveying
- B. Memo from Department of Environmental Health Services
- C. Site Plan
- cc: Engineering & Surveying Department Environmental Health Department



# COUNTY OF PLACER Community Development Resource Agency

## ENGINEERING & SURVEYING

#### **MEMORANDUM**

TO:

ROY SCHAEFER, PLANNING DIVISION

NICOLE HAGMAIER, PLANNING DIVISION

DATE:

**APRIL 19, 2012** 

FROM:

SHARON BOSWELL, ENGINEERING & SURVEYING DEPT

**SUBJECT:** 

PVAA 20120094: SIDE & REAR SETBACKS; DEL ORO RD; GRANITE BAY; SWAIN

(APN: 035-270-032)

This project proposes a detached garage within the side and rear setbacks. The Engineering & Surveying Department (ESD) **supports** the Development Review Committee's recommendation for this Variance application with no concerns or recommended conditions of approval.



### Placer County Health and Human Services Department

**Richard J. Burton, M.D., M.P.H.**Health Officer and Department Director

Ken Stuart, M.S.E.H., R.E.H.S.

Environmental Health, Interim Division Director

### **MEMORANDUM**

### DEPARTMENT OF HEALTH & HUMAN SERVICES ENVIRONMENTAL HEALTH SERVICES

To:

Zoning Administrator

From:

Mohan Ganapathy

Land Use and Water Resources Section

Date:

April 25, 2012

Subject:

PVAA 20120094, Swain side and rear setback variance, APN 035-270-032

Environmental Health Services has reviewed the above application for variance and has no objections or recommended conditions of approval.

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